

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARVIN BROWN,

Petitioner,

vs.

No. 07 CV 897 RB/WDS

**MIKE HEREDIA, Warden, and
GARY K. KING, Attorney General for the
State of New Mexico**

Respondent

ORDER

THIS MATTER came before the Court on Respondent's Motion to Dismiss that was filed on December 3, 2005. (Document No. 12) Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, to which there was no objection filed by Petitioner, and being otherwise fully advised, I find that the motion to dismiss should be granted.

WHEREFORE, IT IS ORDERED that the findings and recommendations of the United States Magistrate Judge are adopted.

IT IS FURTHER ORDERED that Respondent's motion to dismiss (Docket No. 12) is **GRANTED**.



**ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE**